

REMARKS

Claims 1 and 3-12 are all the claims pending in the application. Claims 1, 10 and 11 are amended herein. Specifically, claim 1 has been amended to incorporate therein the recitation of claim 9. Claim 9 has been canceled. Claims 10 and 11 have been amended to conform to the amendment to claim 1. Support for the amendment is found, for example, at page 13, lines 22-32, and page 14, lines 13-15, of the original specification. No new matter is presented.

I. Response to Claim Rejections under 35 U.S.C. § 103

Claims 1, 3, 4 to 10 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyazaki et al (EP 0 615 840).

The Examiner states that Miyazaki et al teaches cans formed of a steel sheet coated with an Fe/Sn alloy layer and with a Sn containing layer, wherein the claimed amount of Sn is obtained and wherein the Sn containing layer is further coated with adhesive and biaxially stretched PET of the claimed polyester layer thickness.

However, Miyazaki et al does not at all describe or suggest the use of the silane coupling agent but, instead, discloses thermosetting coating materials.

The Examiner, further, states that Sakai et al teaches that improved adhesion between the metal plating layer and the thermoplastic polyester can be achieved with a silane coupling agent layer of the claimed area density. The Examiner therefore maintains that those skilled in the art could have easily combined Miyazaki et al with Sakai et al.

However, as required by amended claim 1, the polyester resin layer is a polyethylene terephthalate copolymerized layer. As noted in the previous response, Sakai et al discloses that an unsaturated polyester or a thermosetting polyester is preferred from the standpoint of using a silane coupling agent (paragraph [0021] of Sakai's specification). However, Sakai et al does not

specifically disclose the copolymerized resin layer of a polyethylene terephthalate as called for by the present claims. Miyazaki et al is silent as to use of a copolymerized polyester as a resin coating. Thus, there is no apparent reason which would lead one of ordinary skill in the art to combine the references, in the manner as suggested by the Examiner, with a reasonable expectation of achieving the presently claimed invention. For at least this reason, the present invention is patentable over the cited references.

With respect to the subject matter of previous claim 9 (now included in amended claim 1), the Examiner asserts that according to Miyazaki, the polyester can be any conventional polyester and that Applicants teach that any conventional polyester is suitable.

However, it is apparent from the Examples of the present specification that seamless cans made from a resin-coated steel plate coated with a resin of a homopolyethylene terephthalate (Examples 44 and 45) exhibit a higher ERV which is the result of steel exposure after the cans are produced and a poorer inner surface state of the cans than the seamless can produced in the same manner but using PET/IA (i.e., a copolymerized resin layer of a polyethylene terephthalate). Miyazaki is silent as to selection of a copolymerized polyester for obtaining the above characteristic effect of the present invention, and therefore also does not teach, suggest or even recognize the advantageous effects thereby obtained.

Therefore, the present invention as recited in present claim 1 would not have been achieved even if Miyazaki et al was combined with Sakai et al. For this additional reason, the present invention is patentable over the cited references.

Accordingly, Applicants respectfully request withdrawal of the obviousness rejection.

II. Allowable Subject Matter

Claim 11 is objected to as being allowable if rewritten in independent form including all elements of the base claim and any intervening claims.

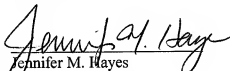
Claim 11 depends from amended claim 1 and is patentable for at least the same reasons. Accordingly, Applicants respectfully request withdrawal of the objection.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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